

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|---------------------------|---|---------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:05 CR 173 DJS |
| |) | DDN |
| DAVID ANDREW MAPLES and |) | |
| DWIGHT ANDREW PAULEY, |) | |
| |) | |
| Defendants. |) | |

**ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This action is before the court upon the pretrial motions of defendant Dwight Andrew Pauley which were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b). An evidentiary hearing was set for May 9, 2005.

On May 9, 2005, defendant Dwight Andrew Pauley appeared in open court, with counsel, and advised the undersigned that he had decided not to raise any issues by way of pretrial motions. He thereupon waived his rights to file pretrial motions and to have a pretrial hearing.

Upon this record,

IT IS HEREBY ORDERED that the motion of the government for a determination of the admissibility of defendant Pauley's statements (Doc. 24) is denied as moot.

IT IS HEREBY RECOMMENDED that the motion of defendant Pauley to suppress evidence and statements (Doc. 38) be denied as moot.

The parties are advised they have ten (10) days to file written objections to this Order and Recommendation. The failure to file objections may result in a waiver of the right to appeal issues of fact.



DAVID D. NOCE
UNITED STATES MAGISTRATE JUDGE

Signed this day, May 10, 2005.